



Entered on Docket
June 18, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

Case No. BK-S-06-10725-LBR

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**Order Sustaining Eighth Omnibus
Objection Of USACM Liquidating Trust
To Proofs Of Claim Based In Part Upon
Investment In The Gramercy Court Loan**

Hearing Date: June 15, 2010
Hearing Time: 9:30 a.m.

The Court having considered the "Eighth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Part Upon Investment In The Gramercy Court Loan" [DE 8062] (the "Objection"); the Court having heard the Objection on June 15, 2010; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing:

1 **IT IS ORDERED** that:

2 1. The Objection [DE 8062] is sustained;

3 2. The claims listed on **Exhibit A** attached are disallowed to the extent those
4 claims are based upon an investment in the Gramercy Court Loan for the reasons set forth
5 in the objection.

6 3. The claims listed on **Exhibit A** are not affected by this order to the extent
7 they are based upon an investment in another loan.

8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**

10
11 By/s/ Robert M. Charles, Jr. (# 6593)

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CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document.]
- ☒ This is a chapter 11 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below.
- ☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ Robert M. Charles, Jr.
Attorneys for USACM Liquidating Trust

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Exhibit A

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment in the Gramercy Court Condos Loan
10725-01234	Tomac, Steven B & Laura J	C/O Scott D Fleming Esq Hale Ln Peek Dennison & Howard 3930 Howard Hughes Las Vegas, NV 89169	200,000.00	100,000.00
10725-01169	Tomlin, Donald S	Donald S & Dorothy R Tomlin in Trust 7145 Beverly Glen Ave Las Vegas, NV 89110-4228	2,779,806.00	354,468.00
10725-01174	Turok, Noemi N	8808 Rainbow Ridge Dr Las Vegas, NV 89117-5815	150,000.00	Unknown
10725-02089	Ulm, Robert W	414 Morning Glory Rd St Marys, GA 31558	Contingent/ Unliquidated	Contingent/ Unliquidated
10725-02163	Voglis, Marietta	3333 Allen Prky. Unit 1102 Houston, TX 77019 Voglis, Marietta 201 East 79th St. New York, NY 10021	724,292.85	50,000.00
10725-02299	Zawacki A California Llc	Po Box 5156 Bear Valley, CA 95223-5156	3,000,000.00	200,000.00
10725-01952	Zerbo, Anthony J	780 Saratoga Ave Apt S-107 San Jose, CA 95129	1,757,710.50	125,000.00
10725-02028	Zerbo, Marshall R	20775 Saint Joan Court Saratoga, CA 95070-3004 Marshall R. Zerbo, a single man Marshall R. Zerbo 250 W El Camino Real, Apt. #5100 Sunnyvale, CA 95087	301,259.30	50,000.00